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HOUSE BILL 291

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Henry 'Kiki' Saavedra

FOR THE COURTS, CORRECTIONS AND JUSTICE COMMITTEE

AN ACT

RELATING TO COURTS; CREATING ADDITIONAL JUDGESHIPS IN THE
SECOND, FOURTH AND SIXTH JUDICIAL DISTRICTS AND IN THE SAN JUAN
MAGISTRATE DISTRICT; MAKING APPROPRIATIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 34-6-5 NMSA 1978 (being Laws 1968,
Chapter 69, Section 8, as amended) is amended to read:

"34-6-5. JUDGES--SECOND JUDICIAL DISTRICT.--There shall
be [~~twenty-four~~] twenty-six district judges in the second
judicial district."

Section 2. Section 34-6-7 NMSA 1978 (being Laws 1968,
Chapter 69, Section 10, as amended) is amended to read:

"34-6-7. JUDGES--FOURTH JUDICIAL DISTRICT.--There shall
be [~~two~~] three district judges in the fourth judicial
district."

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1 Section 3. Section 34-6-9 NMSA 1978 (being Laws 1968,
2 Chapter 69, Section 12, as amended) is amended to read:

3 "34-6-9. JUDGES--SIXTH JUDICIAL DISTRICT.--There shall be
4 [~~three~~] four district judges in the sixth judicial district.
5 The judge of division 1 shall reside and maintain [~~his~~] the
6 judge's principal office in Grant county. The judge of
7 division 4 shall reside and maintain the judge's principal
8 office in Luna county."

9 Section 4. Section 35-1-27 NMSA 1978 (being Laws 1968,
10 Chapter 62, Section 29, as amended) is amended to read:

11 "35-1-27. MAGISTRATE COURT--SAN JUAN DISTRICT ELECTION
12 DIVISION PRECINCTS.--

13 A. There shall be [~~five~~] six magistrate divisions
14 in San Juan magistrate district, each division having its own
15 magistrate. Divisions 1 and 4 shall operate as a single court
16 in Aztec and divisions 2, 3 and 5 shall operate as a single
17 court in Farmington.

18 B. Magistrate judges shall not be elected at large
19 from the district, but shall be elected by the voters of the
20 division for which the magistrate sits. Magistrate judges may
21 reside anywhere within the magistrate district and shall have
22 district-wide jurisdiction. The composition of the divisions
23 for elections purposes is:

24 (1) division 1 is composed of San Juan county
25 precincts 41, 46, 47, 60 through 67, 69 and 72 [~~through 76~~];

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1 (2) division 2 is composed of San Juan county
2 precincts [~~2~~] 1 through 4, 8 through 14 [~~18, 19~~] and 82;

3 (3) division 3 is composed of San Juan county
4 precincts 20, 22 through 25, 27, 28, 30, [~~40~~] 42 through 44
5 [~~46, 47~~] and 49;

6 (4) division 4 is composed of San Juan county
7 precincts [~~1~~] 5 through 7, 15, 16, 53, 57, [~~58~~] 71, 79, 81 and
8 83 through 86; [~~and~~]

9 (5) division 5 is composed of San Juan county
10 precincts 18, 19, 21, 26, [~~28~~] 29, 31, 40, 45, 51, 52, 54
11 [~~through 56, 59~~] and [~~70~~] 58; and

12 (6) division 6 is composed of San Juan county
13 precincts 55, 56, 59, 68, 70 and 73 through 76."

14 Section 5. TEMPORARY PROVISION--DISTRICT JUDGES--
15 APPOINTMENTS.--The additional district judgeships provided for
16 in this act shall be filled by appointment by the governor
17 pursuant to the provisions of Article 6 of the constitution of
18 New Mexico.

19 Section 6. TEMPORARY PROVISION--MAGISTRATE COURT--
20 APPOINTMENT AND ELECTION.--The office of magistrate in San Juan
21 division 6 shall be filled by appointment by the governor to
22 begin serving on July 1, 2007. The appointed magistrate shall
23 serve until succeeded by a magistrate elected at the general
24 election in 2008. The first full term of office of the elected
25 magistrate shall begin on January 1, 2009.

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1 Section 7. APPROPRIATIONS.--

2 A. The following amounts are appropriated from the
3 general fund to the following agencies for expenditure in
4 fiscal year 2008 for the following purposes:

5 (1) six hundred sixty-two thousand four
6 hundred seventy-eight dollars (\$662,478) to the second judicial
7 district for salaries and benefits and furniture, supplies and
8 equipment for two additional district judges and support staff;

9 (2) one hundred eighty-one thousand seven
10 hundred dollars (\$181,700) to the fourth judicial district for
11 salaries and benefits and furniture, supplies and equipment for
12 one additional district judge and support staff;

13 (3) three hundred thirty-one thousand two
14 hundred thirty-nine dollars (\$331,239) to the sixth judicial
15 district for salaries and benefits and furniture, supplies and
16 equipment for one additional district judge and support staff;
17 and

18 (4) one hundred twelve thousand six hundred
19 fifty-four dollars (\$112,654) to the administrative office of
20 the courts for salary and benefits and furniture, supplies and
21 equipment for one additional magistrate judge in the San Juan
22 magistrate district.

23 B. Any unexpended or unencumbered balance remaining
24 at the end of fiscal year 2008 shall revert to the general
25 fund.

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1 Section 8. EFFECTIVE DATE.--The effective date of the
2 provisions of this act is July 1, 2007.

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